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REMARKS/ARGUMENTS

Favorable reconsideration of this application is requested in view of the amendments above and the remarks which follow.

I. DISPOSITION OF CLAIMS

Claims 1, 2, 4-10, 12-20, 22, and 23 are pending in this application. Claims 3 and 21 have been cancelled in this response.

II. DOUBLE PATENTING

Claim 23 was rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 1 of U.S. Patent No. 6,813,077 (Borrelli et al.). Reconsideration of this rejection is respectfully requested.

Claim 1 of Borrelli et al. does not recite the limitation "wherein the repetition space, Λ , satisfies the relation: $\Lambda < \frac{\lambda}{n_i - n_t \sin \theta}$, where λ represents the operating wavelength of the polarizer, n_i represents the index of the incidence media, and n_t represents the index of the transmitting media," as recited in claim 23 of the instant application. Withdrawal of the double patenting rejection of claim 23 over claim 1 of Borrelli et al. is respectfully requested.

III. ANTICIPATION REJECTION

Claim 23 was rejected under 35 U.S.C. §102(e) as being anticipated by Kurtz et al. (U.S. Patent No. 6,532,111). Reconsideration of this rejection is respectfully requested.

Kurtz et al. do not disclose a wire grid polarizer comprising a plurality of stacked metal and semiconductor layers, as recited in claim 23. None of the materials listed for the dielectric layer of the Kurtz et al. device is a semiconductor material. Because Kurtz et al. do not disclose all the limitations of claim 23, claim 23 is not anticipated by Kurtz et al. Withdrawal of the rejection of claim 23 over Kurtz et al. is respectfully requested.

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IV. OBVIOUSNESS REJECTION

Claims 1-21 were rejected under 35 U.S.C. §103(a) as being unpatentable over Kurtz et al. Claim 11 was cancelled in the previous response. Claims 3 and 21 have been cancelled in this response. Accordingly, rejection of claims 3, 11, and 21 is moot. Reconsideration of the rejection of claims 1, 2, 4-10 and 12-20 is respectfully requested.

Claim 1 has been amended to further include the limitation "wherein the stacked layers each comprise a first metal layer, a second dielectric or semiconductor layer, and a third metal layer, the thickness of the second dielectric or semiconductor layer being selected such that a transmission intensity, I_r , of the grid polarizer, as represented by the following equation

$$I_r = \frac{(r+1-a)^2 - 4r(1-a)\sin^2 \frac{1}{2}\phi}{(r+1)^2 - 4r\sin^2 \frac{1}{2}\phi}, \text{ is substantially zero, where } a \text{ represents absorption by the}$$

incident illumination upon interaction with the interface of first metal layer and the second dielectric or semiconductor layer and r represents reflection coefficient." This limitation is not taught or disclosed by Kurtz et al. The Examiner has not cited any other references to supplement the teachings of Kurtz et al. Withdrawal of the rejection of claim 1 over Kurtz et al. is respectfully requested. Claims 2, 4-10 and 12-20, being dependent from claim 1, are likewise patentable over Kurtz et al.

V. ALLOWABLE SUBJECT MATTER

The Examiner indicated that claim 22 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Claim 22 has been rewritten in independent form as set forth above. Applicant thanks the Examiner for indicating allowability of claim 22.

VI. CONCLUSION

Applicant believes that this paper is fully responsive to the Office Action dated December 27, 2005.

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Please apply any charges not covered or credits in connection with this filing to Deposit Account No. 03-3325 (ref. SP02-268).

Respectfully submitted,

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